

## **Exhibit “D”**

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December 3, 2003

Via Facsimile

Mr. John Chesney  
DRINKER, BIDDLE & REATH, LLP  
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RE: *Delage Landen Financial Services, Inc. and Toshiba American Medical Systems, Inc. v. DeSoto Diagnostic Imaging, L.L.C., et. al. Case No. 2: 02CV2810*  
*United States District Court for the Eastern District of Pennsylvania*

Dear John:

This letter is in response to the November 26, 2003 letter from Julianne Peck objecting to defendants' Fourth Request for Production of Documents and the Request for Documents contained in defendants' 30(b)(5) notice. I completely disagree with Juli's claim of untimeliness in that the requests for production of documents were absolutely proper and timely. Nevertheless, and as you know, the Court has acknowledged that the discovery period is ongoing, thus I request that you make immediate production of all the documents included in the Fourth Request for Production as your responses and documents are overdue. Additionally, I request that you produce the documents requested pursuant to defendants' 30(b)(5) by no later than December 7, 2003, otherwise, I will be forced to file a motion to compel.

Sincerely,

TATE LAW FIRM

*Kyle Tate / hb*  
Kyle Tate

cc: Mr. William Matthews, Esq.  
Mr. Peter Boyer, Esq.